

Supreme Court, U.S.

F I L E D

MAR 15 1999

OFFICE OF THE CLERK

No. 98-678

(A)

IN THE
Supreme Court of the United States
October Term, 1998

Los Angeles Police Department,
Petitioner,

v.

United Reporting Publishing Corp.,
Respondent.

On Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED OCTOBER 23, 1998
PETITION FOR CERTIORARI GRANTED JANUARY 25, 1999

SPP
f.d.

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I
RELEVANT DOCKET ENTRIES

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| 11/27/96 | District Court Opinion and Order granting summary judgment to Respondent and permanently enjoining Cal. Gov't Code 6254(f)(3) – reprinted in Petition for Certiorari at App. 10a-23a |
| 6/25/98 | Court of Appeals Opinion Affirming Order of summary judgment in favor of Respondent – reprinted in Petition for Certiorari at App. 24a-36a |

The "JailMail" Register

May 9, 1996

Illegal Speed Traps...

by Richard Duquette, Esq.

The Police can't use speed traps when citing a person for speeding (CVC22350), while using radar. The police have the burden of proving as a part of the prima facia case at trial that a certified engineering survey justified the posted speed limit on the local road. (I.E. 85% of the flow of traffic.) If they can't, they lose. Obtain a copy of the survey at the engineers office in the city in which the road is located.

If the police fail to bring a competent certified survey, they often fall back on their personal observations of speed due to training and experience. They claim they made a visual estimate that you were in violation. Object, because under CVC 40804 the officer is not competent to testify and the court has no jurisdiction to convict.

Make objections when evidence is being shown to the judge or introduced by testimony. For a good review of speed trap law, see one of the newest cases in this area; People vs. Earnest (1995) 40 Cal Rptr. 2d 304.



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SB1059, And our trusted Government Servants?

by Chris Thompson, Editor

What is SB1059? When does it take effect? Who supports SB1059? What is the reasoning behind SB1059? What is the impact of SB1059? These are just a few of the questions on everybody's mind.

Let's start with, exactly what is SB1059? SB1059 is Senate Bill 1059, a bill introduced to the legislature and senate by Senator Peace from San Diego County. The bill was approved by Governor Wilson on October 11, 1995 and filed with the Secretary of State on October 12, 1995. It becomes effective on July 1, 1996.

A government entity sponsored the bill because of a perceived need. Who has "the need" and what is the very nature of the need? This is another good question which deserves an answer. Government by its very definition is a body of individuals which can collectively control and protect individuals and their rights that cannot be protected by the individuals themselves.

Senate Bill 1059 is an act which affects government code 6254, the California Public Records Act: Disclosure of Information. The bill is aimed at restricting access to public law enforcement records in the name of public good. Our California governing body has decided that by restricting access to the "general public" and only allowing individuals with a "scholarly, journalistic, political, or governmental purpose" access to the records, it is protecting us! What are they protecting us from? The debate on the floor of our legislature and senate discussed the merits of the bill. This debate consisted of the undue fiscal burden of allowing the general public access to the records of our public agencies. The Supreme Court has never used money as a sole reason to uphold the right or constitutionality of a piece of legislation.

Currently, the information is being used by a large number of professional and commercial concerns. Newspapers use these records for seed material for feature articles. Law firms offer their services to potential clients. Other businesses with publishing concerns, such as this one, rely on public

*Continued on column one, Next page...
000193*

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Exhibit 1

The "JailMail" Register

May 9, 1996

records for their very livelihood. If the bill is truly serving an altruistic purpose and has such lofty goals as protecting the public, then please reveal the horrible monster that is lurking in the shadows ready to get us and let's deal with the monster. But let's not continue to support hasty decisions and bad law solely because it purports to protect us from an unnamed, vague monster which has yet to be seen or identified. Access to public information is a protected right.

If the information is not available publicly then the commercial concerns which rely on the information will no longer be able to survive. They will cease to be a part of our economy. They will no longer be economically viable. These businesses currently conservatively affect over 750 jobs statewide. Let's talk about the good of the public. Eliminate 750 jobs and then interview all the workers displaced by the elimination of their job. Talk to them in the lines at the Employment Development Department, while they are waiting to collect unemployment benefits. Solicit their opinions while they wait in lines to collect welfare benefits. Ask them why they are using food stamps to pay for their groceries. Question them as to why they are not working and if they really feel protected by our state government and their legislative attempts to restrict access to public information.

Businesses collect names, statistics and demographics to offer the information to law firms, insurance agencies, clergy, safety device vendors and substance abuse treatment facilities and other businesses for use in their marketing mix as a potential clientele base. The companies which use this information offer useful information to their prospective clients. They believe in responsible advertising. Some of these businesses, namely attorneys, also adhere to a strict set of guidelines set down by their governing body.

The set of people's names currently provided

by the various agencies comprise a whole subset of our population. The set of individuals currently defined by the public's access to information made available by the law enforcement agencies represent a segment of the population with special needs. This set of individuals becomes a target audience for a whole host of products and services. The business that provide these products and services currently offer these people information about the wealth of options available to them. The simple fact that the names are available to commercial sources allow individuals to benefit from lower costs in legal representation. These same people are made aware of options in treating chemical dependencies and the disease of alcoholism. They are given important information regarding the safeguarding of their constitutional rights. They are educated about an unlimited variety of products and services available to them as it applies to their current life situation and as potential consumers. The marketing by commercial entities allows the potential consumers to "shop price" for the various services they may need. They are offered contextual information which can benefit them in their particular situation and possibly help preserve their rights.

The sole purpose of Senate Bill 1059 is to restrict access to the names and addresses of individuals charged with infractions to our judicial system. What can the bill possibly protect us from? Who is out to get us? Is it the potential suppliers of useful products and services that the public needs protection from? Senate Bill 1059 is designed to categorically deny whole segments of the population access to public information for no real apparent purpose.

Government that is allowed to institute law, mandates, and regulations unchecked, turns quickly into a dictatorship! At what point do we say, "THIS IS NOT RIGHT!" and do something about instituting changes by participating in the process?

000196

The "JailMail" Register

May 9, 1996

FIELD SOBRIETY TESTS:

A STACKED DECK

by Hank Rupp, Esq.

Many persons who are arrested for drunk driving are often amazed because they felt they passed the field sobriety tests. What they don't realize is that these tests are less of an exam than they are an evidence gathering exercise.

Once a police officer has stopped a vehicle and determined that the driver may have drank alcohol, the officer must investigate further or face potential civil liability. "Lets face it....", says one law enforcement source, (who must remain anonymous for obvious reasons), "...If I cut some guy slack after I know he's been drinking, let him go and then he goes a couple blocks down and mows down a crosswalk full of school kids, whose butt is going to be in a sling along with his? One guess - me."

After an officer is put on notice of a driver's drinking, he is putting his neck in a noose of civil liability if he lets the driver go. He is putting a lot on the line to be a nice guy to a man or woman driver he doesn't even know. He could be fired or sued or both if an accident were to occur afterward.

Stories used to circulate about how a sympathetic officer would sometimes even drive a suspected

drunk driver home. Those stories became rare after other stories came out about those same people suing the officer when they tripped over their own lawn sprinkler or doorstep and broke a leg.

Any civil lawyer worth his salt would be guilty of malpractice if he didn't also sue the officer who let the drinking driver drive onto hit his client. A law enforcement agency can always be counted on to have deep pockets to pay settlements.

Historically, field sobriety tests are a throw back to the time when at trial the state had to prove a driver was impaired. Nowadays the state often just depends on chemical tests to prove a driver's blood alcohol level was beyond the legal limit. When these tests are shown to be unreliable, the prosecution will often revert back to field sobriety tests to show impairment.

The tests are not objective. Many sober persons cannot do them. Add that factor into traffic speeding by, nervousness of the driver and a not too objective officer to get a 99.99% chance of being taken in. It does happen though. One driver was left standing by a road by officers who told his wife to drive him home after the officers received an urgent distress call, "I guess I was lucky," the driver said. Little does he know how lucky.

A Letter from the Editor

Having been the editor of several different publications in the past, I realize the importance of a timely publication.⁴

For our publication to be a success, regular articles are needed for publication. Have you ever wished you had the ability to be heard across the state. Do you have something which could be considered newsworthy to the legal community? Here is your chance to become a published author.

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Rancho Cordova, California
95742

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Your Editor,

Chris Thompson

000197

The "JailMail" Register

May 9, 1996

Representative Blotter of charges you are currently interested about!

These names are also available by utilizing our dial up service. For more information about this service contact our subscriptions department at (916) 638-8732.

NAME FORMAT

Title, First name, Last name
Address

City, State, Zipcode
Code Section, Date of violation

Mr. Sean Porter
3905 44th Ave Apt 2
Sacramento, CA 95824-3538
647 05/06/1996

Ms. Elizabeth Daniels
6709 Pradera Mesa Dr
Sacramento, CA 95824-4229
11351 05/06/1996

Mr. Robert Coles
9161 Madison Ave Apt 46
Orangevale, CA 95662-5275
459 05/06/1996

Mr. Anthony Delong
2257 Hurley Way Apt 126
Sacramento, CA 95825-2353
272 5 05/06/1996

Mr. Jeffrey Gritten
4921 36th Ave
Sacramento, CA 95824-1503
10851 05/06/1996

Mr. Pablo Ramires
1380 Tumbleweed Way
Sacramento, CA 95834-1401
23152 05/06/1996

Mr. Salvador Lopez
6601 Sunnyslope Dr Apt 41
Sacramento, CA 95828-2834
10851 05/06/1996

Mr. Harvey Johns
3900 Annadale Ln Apt 45
Sacramento, CA 95821-2030
273.5 05/06/1996

Ms. Salena Watson
3532 43rd St
Sacramento, CA 95817-3732
23153 05/06/1996

Mr. Long Saechao
4441 Perry Ave
Sacramento, CA 95820-5150
23152 05/06/1996

Mr. Penny Watley
3532 Y St Apt 8
Sacramento, CA 95817-2042
647 05/06/1996

Mr. William Cleveland
3216 Laurelhurst Dr
Rancho Cordova, CA 95670-5815
23152 05/06/1996

Mr. Clarence Dekoning
8937 Aksarben Dr
Orangevale, CA 95662-4609
23152 05/06/1996

Mr. Billy Penner Jr.
8250 Florin Rd
Sacramento, CA 95828-2412
273.5 05/06/1996

Ms. Betty Baker
2750 Grove Ave
Sacramento, CA 95815-1630
647 05/06/1996

Mr. Wayne Benson
3820 Haywood St
Sacramento, CA 95818-3520
23152 05/06/1996

Ms. Tracy Sawyer
1912 Q St # 2
Sacramento, CA 95814-6815
11357 05/06/1996

Ms. Josephine Denis
1523 Los Robles Blvd Apt 5
Sacramento, CA 95838-4552
273.5 05/06/1996

Mr. Arthur Cisneros
9240 Bruceville Rd Apt 10
Elk Grove, CA 95758-9565
23152 05/06/1996

Ms. Melanie Wharrow
3817 Y St
Sacramento, CA 95817-1403
23152 05/06/1996

Mr. James Burdan
3601 Pinell St
Sacramento, CA 95838-3928
23152 05/06/1996

Mr. Matthew Nelson
3721 Marconi Ave Apt 23
Sacramento, CA 95821-5331
647 05/06/1996

Mr. Long Saechao
4441 Perry Ave
Sacramento, CA 95820-5150
23152 05/06/1996

Mr. Harvey Johns
3900 Annadale Ln Apt 45
Sacramento, CA 95821-2030
273.5 05/06/1996

Ms. Salena Watson
3532 43rd St
Sacramento, CA 95817-3732
23153 05/06/1996

Great care and effort has been expended to accurately reproduce these names from actual law enforcement records. The following list of names represents a partial list of names from actual arrest records gathered from various agencies. These are names of people charged with a judicial code violation and do not represent guilt until proven guilty in a court of law.

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000198

The "JailMail" Register

June 1, 1996

Drunk Driving Defense and Malpractice!

by Myles L. Berman, Esq.

Representing a person accused of driving under the influence (DUI) in the State of California requires a high degree of skill, knowledge and experience in criminal law in general and DUI defense in particular. DUI charges are fast becoming the number one criminal charge filed against people arrested in the State of California. Even for a first DUI offense, the penalties are so substantial, one could argue that an attorney who does not have the skill, knowledge or experience in this field would be committing malpractice by choosing to represent someone charged with driving under the influence.

Volumes of legal treatises and scores of seminars have been devoted exclusively to representing persons charged with driving under the influence. A cursory review of the voluminous materials in this field as well as the experience of this author leads one to the compelling conclusion that most driving under the influence cases can be "successfully defended". Successfully defended is defined as a dismissal, acquittal and/or a reduction of DUI charges.

With every DUI arrest there are two individual cases. The first is the criminal case, and the second is the Department of Motor Vehicle Administrative Per Se suspension/revocation. The criminal charges are governed by criminal law. The DMV administration per se suspension/revocation are governed by administrative and civil law.

With respect to the criminal charges, there are serious constitutional implications that are present in every DUI case. A DUI defense attorney must have in his or her command the most current law in the areas of fourth, fifth and sixth amendments to the U.S. Constitution as well as the rules of evidence and criminal trial procedure. Furthermore, new cases are being decided every day from the U.S. Supreme Court all the way down to State Appellate Courts throughout the country. The California Supreme Court and the Appellate Courts in this State are routinely deciding issues that are placed before it in the field of driving under the influence.

Mastering the vast body of law that permeates this field is still not enough to be competent to defend a person accused of driving under the influence. Being experienced in trying criminal jury trials in general and DUI jury trials in particular is a must for any attorney to be minimally qualified and competent to represent a client accused of DUI. A good DUI defense attorney knows how to neutralize the arresting officer's testimony as well as attack the testimony of the state's experts in connection with blood, breath or urine testing.

Since California allows a choice of a blood, breath or urine test for a suspect arrested for driving under the influence, every DUI defense attorney must have sufficient scientific knowledge in order to effectively cross-examine the state's expert, as well as present defense expert testimony. Chemistry, absorption, peak and elimination of alcohol, mouth alcohol, interfering substances and other scientific issues are extremely critical in representing a person accused of driving under the influence.

Knowledge of the various blood, breath and urine testing methods and their scientific principles is also required for the competent DUI defense attorney. Each chemical testing device has its own unique strengths and weaknesses. It is those weaknesses that must be explored in front of a jury in order to provide a DUI client with effective assistance of counsel. Oftentimes, the state's chemical testing machines are neither calibrated nor operated properly. In addition, unique individual characteristics of a DUI defendant could make any chemical test result scientifically unreliable in a prosecution for driving under the influence.

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Continued on column one, Next page.....

The "JailMail" Register

June 1, 1996

Continued from front page.....

Title 17 of the Code of Regulations of the Health and Safety Code of the State of California governs blood, breath, and urine testing in the State of California. A competent DUI defense attorney must have Title 17 mastered. Any deviation from Title 17 in connection with blood, breath or urine testing could result in scientifically unreliable chemical test results. Title 17 is complicated and requires scientific understanding as to chemical testing. Title 17 is applicable in every case where there is a blood, breath or urine test.

I have heard it expressed over and over again by knowledgeable attorneys, prosecutors and judges that driving under the influence cases are more complicated than homicide cases. There are police officers, experts and civilian witnesses in almost every DUI case. Knowing how to effectively examine these types of witnesses requires a great degree of skill, knowledge and experience.

With respect to the Administrative Per Se suspension/revocation, the DUI defense attorney must have a clear understanding as to Rules of Evidence and Procedure with respect to Administrative and Civil Law. The DMV Hearing Officers act as both the Prosecutor and Judge during the Administrative Per Se proceeding. Knowing the Rules of Evidence in raising the proper and timely objections is also necessary to be a competent DUI defense attorney.

Should the Administrative Per Se Hearing not be successful, the DUI defense attorney must take the appropriate steps to perfect and request administrative review. Many times it is during this administrative review process that the DUI defense attorney is successfully able to have the DMV suspension/revocation set aside.

In addition to the administrative review remedy, a DUI defense attorney must know how to proceed by way of writ against the DMV in the local Superior Court. DMV writs are extremely complicated and expensive. Knowing how to properly perfect and file the writ as well as brief and argue the same is essential for a competent DUI attorney.

California State Bar Rule 3-110 sets forth the minimum standards for attorney competency

which is applicable to every attorney who represents a DUI client.

In this author's opinion, a competent and ethical DUI defense attorney must possess a high degree of skill in order to competently represent a client charged with driving under the influence. Unfortunately, many attorneys who represent a person accused of driving under the influence do not possess the skill, knowledge or experience to competently and effectively represent a person accused of DUI. It is incumbent upon any attorney who is considering representing a person accused of driving under the influence to assess his or her own ability to competently and ethically represent the DUI client. If the attorney feels that he or she does not have the required skill, knowledge or experience to take on a DUI client, that attorney must either associate or consult with a competent DUI defense attorney or refer the client to an attorney who has developed the requisite skill, knowledge and experience. Anything less should be considered malpractice and unethical!

*

Editor's Note: The original article also contained the excerpt of professional conduct contained in California State Bar Rule 3-110.

How to Reconstruct a Crash... and protect your injury rights!

by Richard Duquette, Esq.

Editor's Note: This is the first part of a two part series. Look for the second part in the next edition.

When a crash occurs, the little things win or lose an injury case. An expert accident reconstructionist looks for the length of skid marks, gouge marks, broken glass, paint transfers, damage to vehicles and more.

Skid Marks prove the speed of the vehicles. There is a scientific speed from skid formula that is used by the experts. By measuring the length and type of skids, speed can be estimated.

Gouge Marks and broken glass help prove the initial point of impact. This shows where the vehicles were when

The "JailMail" Register

June 1, 1996

Continued from page 2 column 2...

they crashed. Knowing the point of impact proves *Vehicle Code violations like Illegal Turns and Right of Way violations* which can win your case by proving liability.

In the next issue look for tips about paint transfers and expert witnesses!

Blood, Breath or Urine, Which Test is Most Easy to Defend?

by Hank Rupp, Esq.

California law currently provides a total of three types of tests for persons charged with drunk driving to take. These choices are blood, breath or urine.

The Police always push the breath test on the suspected drunk driver. The usual explanation is that if the driver tests below .08% he can still be arrested for violation of California Vehicle Code section 23152(a), driving under the influence. That violation does not require the driver to test at .08% or above.

The breath test is not easily attacked later in court. No sample for retesting is preserved and even the machine's calibration - maintenance records are subject to "amendment" and "interpretation" by the State's criminalist who is supposed to maintain them.

The blood test is better but not the best. It can be retested and often the result is not properly certified by State lab technicians. This means a good attorney can keep the results of the testing out of Department of Motor Vehicles hearings. A retest of a blood sample can often result in a reduction of the blood alcohol level by a .01%.

This can be a real help in the companion criminal case.

The best test to take is the urine test because it is the most mistake ridden of them all. A suspect has to completely void his bladder twenty minutes prior to giving a second sample, which will then become the tested sample. A person's body tends to pool alcohol in the bladder. That means testing the initial sample of void would give a much higher blood alcohol reading than what is actually coursing through the person's body at the time. A sample taken twenty minutes after the first void will tend to be more accurate, supposedly, and that is why that is the sample actually tested.

DUI suspects who choose urine are often told by police that if they cannot urinate again twenty minutes after the initial void, it will be counted as a refusal to test. The suspects are told this will make it go much harder for them at the DMV and court (that much is true). Unfortunately, many persons tend to hold back some urine in their bladder so that they can be sure to give another sample later. This conduct completely destroys the accuracy of the test and is rarely known unless spotted by a good attorney during the initial interview. Sometimes the person is completely unaware that they hold back some urine because they are nervous or perhaps have some physical impairment (common in men over 40) that prevents them from completely emptying their bladder.

Therefore, if you took a breath test when you were arrested, it was probably because you were pushed into taking it by the arresting officer. There better non be a "next time" for you but you can let your friends and relatives know that there are three kinds of tests to take: urine, urine and urine.

A Letter from the Editor

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Having been the editor of several different publications in the past, I realize the importance of a timely publication.

For our publication to be a success, regular articles are needed for publication. Have you ever wished you had the ability to be heard across the state. Do you have something which could be considered newsworthy to the legal community? Here is your chance to become a published author.

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Your Editor,



Chris Thompson

000201

3

The "JailMail" Register

June 1, 1996

Representative Blotter of charges of people charged with a code violation.

Names you are currently interested in are available by utilizing our dial up service.

For more information about this service contact Chris at (916) 638-8732.

NAME FORMAT

Title, First name, Last name

Address

City, State, Zipcode

Code Section, Date of violation

Mr. Benny Jackson
6564 Fountain Ln
North Highlands, CA 95660
261 05/30/1996

Mr. Willie Fagalnifin
6116 Ogden Nash Way
Sacramento, CA 95842-2739
459 05/30/1996

Mr. Craig Clark
6679 Cougar Dr
Sacramento, CA 95828-1451
211 05/30/1996

Mr. Hunter Gray
10247 Mills Station Rd # 22
Rancho Cordova, CA 95670
459 05/30/1996

Mr. Albert Fernandez
3813 Pinell St
Sacramento, CA 95838-3932
11378 05/30/1996

Ms. Tammy Bardwell
3813 Pinell St
Sacramento, CA 95838-3932
11378 05/30/1996

Mr. Maurice Vasquez
5952 N Haven Dr
North Highlands, CA 95660
273.5 05/30/1996

Mr. David Channel
7542 Garden Gate Dr
Citrus Heights, CA 95621-1910
23152 05/30/1996

Mr. Aaron Stone
5008 Valley Hi Dr
Sacramento, CA 95823-5157
647 05/30/1996

Mr. Sylvester Kulaga
6445 Feliciter Way
Citrus Heights, CA 95610-5001
11377 05/30/1996

Mr. George Frenn
1503 Fulton Ave Apt 40
Sacramento, CA 95825-5133
11368 05/30/1996

Mr. Bennie Bozeman
2801 Conbar Ct
Sacramento, CA 95826-3103
211 05/30/1996

Ms. Sherry Creason
4128 Cabinet Cir
North Highlands, CA 95660-5014
496 05/30/1996

Mr. Alexander Zolotov
—
5805 Dotmar Way
North Highlands, CA 95660-4711
23152 05/30/1996

Great care and effort has been expended
to accurately reproduce these names from actual
law enforcement records. The following list of
names represents a partial list of names from actual
arrest records gathered from various agencies. These
are names of people charged with a judicial code
violation and do not represent guilt until proven
guilty in a court of law.

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SENATE RULES COMMITTEE

Office of Senate Floor Analyses

1020 N Street, Suite 524

(916) 445-6614 Fax: (916) 327-4478

THIRD READING

Bill No: SB 1059
Author: Peace (D)
Amended: 3/29/95
Vote: 21

SENATE GOVERNMENTAL ORG. COMMITTEE: 11-0,
4/18/95

AYES: Alquist, Beverly, Greene, Haynes, Hughes, Lewis,
Meilo, Rosenthal, Thompson, Maddy, Dills

SENATE APPROPRIATIONS COMMITTEE: Senate Rule
28.8

SUBJECT: Public Records Act: disclosure

SOURCE: California Peace Officers Association

DIGEST: This bill deletes the requirement that state and local law enforcement agencies make public the current address of individuals arrested by these agencies, or victims or witnesses of crimes or incidents, as specified.

ANALYSIS: Under current law, the California Public Records Act requires state and local law enforcement

agencies to make public the current address of every individual arrested by the agency, and every victim of or witness to, a crime or incident reported to the agency with certain specified exceptions.

FISCAL EFFECT: Appropriation: No Fiscal Com.:
Yes Local No

SUPPORT: (Verified 5/10/95)

California Peace Officers Association (source)

OPPOSITION: (Verified 5/10/95[])

California Newspaper Publishers Association

ARGUMENTS IN SUPPORT: The sponsor of the measure, the California Peace Officers Association, reports that over the past several years there has been a growing number of groups and individuals making "boilerplate" requests under the Public Records Act (PRA) (Government Code Section 6250 et seq) to virtually every law enforcement agency in the State. These requests seek the names and addresses of arrestees, parties to traffic collisions, and others who might have had the misfortune to come into less than desirable contact with law enforcement.

While the requesting party will rarely state the purpose for the information sought, subsequent inquiries have confirmed that in virtually every case, the purpose is to seek to profit from the misfortune of the person being identified. When supplied, the identity and address of the individual is then sold to attorneys, doctors, chiropractors, and others who will inundate the individual with solicitations for services. The processing of these requests has become very costly to agencies with diminishing budget dollars.

The sponsor points out that under this measure, the public's "right to know" would remain intact. The name, charge, circumstances, and other information about arrests and other incidents would still be public information unless otherwise exempted. Only the address of the involved purpose would no longer be available.

ARGUMENTS IN OPPOSITION: The opponent states, "Existing law, Government Code Section 6254(f), gives law enforcement agencies the discretion to withhold any information, including the names and addresses of victims and witnesses if they believe that release of the information would impede the successful completion of the investigation or a related investigation or place someone in danger. SB 1059 would foreclose almost all opportunity of access to important information. For example, denying the public access [to] the addresses of all burglaries would prohibit the community from taking appropriate safeguards in an area hard hit by crime[]."

"Because law enforcement already has authority to withhold the information in question, SB 1059 is unnecessary and unreasonably interferes with the public's ability to access information about crime in its communities."

DLW:sl 5/10/95 Senate Floor Analyses

* * * END * * *